

भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड—1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 47] न दिल्ली, स मबार, विसम्बर 5, 1966/अग्रहायणा 14, 1888 (शक)
No. 47] NEW DELHI, MONDAY, DECEMBER 5, 1966/Agrahayana 14, 1888 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 5th December, 1966/Agrahayana 14, 1888 (Saka)

The following President's Act is published for general information:—

THE KERALA LAND RELINQUISHMENT (AMENDMENT) ACT, 1966

No. 13 OF 1966

Enacted by the President in the Seventeenth Year of the Republic of India.

An Act further to amend the Kerala Land Relinquishment Act, 1958.

12 of 1965. In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the President is pleased to enact as follows:—

1. (1) This Act may be called the Kerala Land Relinquishment (Amendment) Act, 1966.

Short title
and com-
mencement

(2) It shall come into force at once.

Amendment
of section 2.

2. In section 2 of the Kerala Land Relinquishment Act, 1958 (hereinafter referred to as the principal Act), in clause (d), for the words, figures and brackets "the Kerala Agrarian Relations Act, 1960 (Act 4 of 1961)", the words, figures and brackets "the Kerala Land Reforms Act, 1963 (Act 1 of 1964)" shall be substituted.

Kerala Act
38 of 1958.

Amendment
of section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1), for the words "the Collector of the district", the words "the Revenue Divisional Officer of the division" shall be substituted;

(b) in sub-sections (2) to (6), for the word "Collector", wherever it occurs, the words "Revenue Divisional Officer" shall be substituted;

(c) sub-sections (7) and (8) shall be omitted.

Insertion of
new sections
4A, 4B and
4C.
Appeal.

4. After section 4 of the principal Act, the following sections shall be inserted, namely:—

"4A. Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (5) or sub-section (6) of section 4 may prefer an appeal within such time as may be prescribed to the Collector of the district in which the land is situate and the order of the Collector on such appeal shall, subject to the provisions of section 4B, be final.

Revision.

4B. (1) The Board of Revenue may, either of its own motion or on an application made by any aggrieved person for revision, call for the record of any proceeding in which an order has been passed by the Collector under section 4A, and pass such order thereon as it thinks fit:

Provided that the Board of Revenue shall not of its own motion call for the record of any such proceeding after the expiry of one year from the date of the order of the Collector.

(2) Every application for revision under sub-section (1) against an order of the Collector shall be made within one month from the date on which the order was communicated to the person aggrieved by the order:

Provided that the Board of Revenue may, if it is satisfied that the person making the application was prevented by sufficient cause from making the application within that period, admit an application made after the expiry of that period.

4C. Where an application for relinquishment of any land is accepted in consequence of any order passed by the Revenue Divisional Officer under section 4 or the Collector under section 4A or the Board of Revenue under section 4B, such land together with all right, title and interest of the registered holder or, as the case may be, of the registered holder, the cultivating tenant and the intermediaries, if any, in such land shall vest in the Government free of all encumbrances."

Land relin-
quished to
vest in
Government.

S. RADHAKRISHNAN,

President.

S. P. SEN-VARMA,

Secy. to the Govt. of India.

Reasons for the enactment

Under section 4 of the Kerala Land Relinquishment Act, 1958, the District Collector is the authority competent to accept or reject applications for relinquishment of land in favour of the Government. It is considered that implementation of developmental programmes could be accelerated if the power to accept or reject such applications is vested in the Revenue Divisional Officers.

2. Under sub-section (7) of the said section 4, the authority to which an appeal may be preferred against the orders of the District Collector is the Board of Revenue. Since it is proposed to authorise the Revenue Divisional Officers to accept or reject applications for relinquishment of land under the Act, it is considered that the District Collectors should be made appellate authorities instead of the Board of Revenue and the Board of Revenue should be empowered to revise the orders passed by the Collectors in appeal.

3. Clause (d) of section 2 of the Act provides that the expressions "cultivating tenant" and "intermediary" shall have the meanings respectively assigned to them in the Kerala Agrarian Relations Act, 1960. Since the Kerala Agrarian Relations Act, 1960, has been repealed and replaced by the Kerala Land Reforms Act, 1963, it is considered desirable to modify the reference to the Kerala Agrarian Relations Act, 1960, in that clause as reference to the Kerala Land Reforms Act, 1963.

4. The present enactment is intended for the above purposes.

5. The Committee constituted under the proviso to sub-section (2) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965), has approved the enactment of this measure as a President's Act.

B. SIVARAMAN,
Secy. to the Govt. of India,
Department of Agriculture.